

**THE U.S. DEPARTMENT OF EDUCATION'S REPORT TO CONGRESS  
ON WAIVERS GRANTED UNDER SECTION 9401 OF THE  
ELEMENTARY AND SECONDARY EDUCATION ACT DURING  
CALENDAR YEAR 2009**

**December 2010**

**INTRODUCTION**

Section 9401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, authorizes the Secretary of Education to grant waivers of ESEA requirements to State educational agencies (SEAs), local educational agencies (LEAs), Indian tribes, and schools in order to assist them in increasing the quality of instruction for students and improving student academic achievement. The authority applies generally to all statutory or regulatory requirements under the ESEA, with certain specified restrictions. For example, the Secretary may not waive applicable civil rights requirements, prohibitions against using Federal funds to supplant non-Federal funds, or requirements relating to parental participation and involvement or the equitable participation of private school students and teachers. This report, submitted pursuant to section 9401(e)(4) of the ESEA, provides information on waivers that the Department granted during calendar year 2009.

Under the waiver authority of Section 9401, the waivers granted during 2009 included waivers of requirements under Title I, Part A that were affected by funding provided through the American Recovery and Reinvestment Act of 2009 (ARRA). Because the ARRA provided significant new funding for ESEA programs, the Secretary considered requests to waive certain Title I, Part A requirements with respect to that funding. The Department indicated to States that it would specifically consider waiver requests of five requirements of statutory and regulatory provisions of Title I, Part A that were affected by the ARRA funds. In addition, the Secretary considered requests for waivers of two Title I, Part A regulatory provisions related to the implementation of public school choice and supplemental educational services (SES) and one additional waiver that would permit an LEA with one or more schools in improvement to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of doing so toward the LEA's "20 percent obligation" for SES and public school choice.

In 2009, the Department granted a total of 351 waivers under the waiver authority in section 9401. The waivers granted were as follows:

- thirty-two waivers of the Tydings period of availability of funds
  - two waivers extending the period in which funds are available for obligation for various programs in States that were affected by Hurricanes Katrina and Rita,
  - twenty-seven waivers extending the period in which funds are available for obligation for the Reading First program, and

- three waivers extending the period in which funds are available for obligation for School Improvement activities;
- four waivers allowing implementation of a “growth model” through a Department pilot;
- three waivers allowing implementation of a “differentiated accountability model” through a Department pilot;
- one waiver allowing a substitute assessment under Title I;
- four waivers under Title I allowing delayed release of assessment results;
- two waivers of the Title I requirement to include assessment results in adequate yearly progress (AYP) determinations;
- two Title I within-district-allocation waivers;
- one waiver of the Title I carryover limitation;
- nineteen waivers allowing LEAs identified for improvement to exclude their Title I allocation when calculating their obligation to spend 10 percent of their Title I funds for professional development;
- one waiver of the ESEA transferability rules;
- four waivers allowing recipients of funds under the Indian Education program to charge additional administrative costs to the program;
- twenty-three waivers of the Title I requirement to provide 14-day notice of public school choice;
- twenty-eight waivers under Title I allowing SEAs to approve schools or LEAs in need of improvement to become SES providers;
- twenty-five new waivers and six continuations of existing waivers allowing LEAs to provide SES to eligible students attending Title I schools that are in the first year of school improvement and to count the costs of doing so toward meeting the LEA’s “20 percent obligation”; and
- one hundred and ninety-six waivers allowing LEAs and/or schools to exclude their Title I allocation received under ARRA when calculating their obligations to spend funds for SES and public school choice-related transportation, for professional development, and when calculating the per-pupil amount for SES, and for SEAs to waive the Title I carryover limitation more than once every three years.

#### **SPECIFIC WAIVER ACTIVITY**

The Federal Register notice detailing all the section 9401 waivers that the Department granted during calendar year 2009 was published on September 16, 2010, and a copy is attached to this report as Appendix A. In addition, Appendix B includes a table of uninvited waivers granted, by State, and a table of invited waivers granted, by State. As used in Appendix B and in this report, “invited waivers” are waivers that the Secretary of Education explicitly invited States to request through guidance or other formal communication. “Uninvited waivers” are waivers of statutory requirements that States requested at their own discretion, as they have a right to do under section 9401 of the ESEA. Below is a summary of the various categories of section 9401 waivers:

## ***Uninvited Waiver Requests***

- ***Extensions of the Tydings Period of Fund Availability***

The Tydings Amendment as incorporated in the General Education Provisions Act (GEPA) (GEPA section 421(b), 20 U.S.C. § 1225(b)) provides SEAs additional time to spend the Federal funds they receive. Through the Tydings Amendment, section 421(b) of GEPA allows grantees to carry over for one additional year any Federal education funds that were not obligated in the period for which they were appropriated. For grants that are forward-funded, grantees can have up to 27 months to obligate appropriated funds beginning as early as July 1 of the Federal fiscal year. Grantees must liquidate obligations within 90 days of the end of the period of availability of the funds.

Under the section 9401 waiver authority, the Department granted 32 new waivers extending the period in which funds are available for obligation for various programs in 2009. These extensions gave waiver recipients additional time in which to obligate particular funds.

Louisiana received two waivers to extend the time needed to obligate fiscal year 2007 funds for various ESEA programs. California and New York received waivers to extend the time needed to obligate fiscal years 2006 and 2007 funds, and fiscal year 2007 funds for Title I School Improvement Grant activities, respectively. The remaining States received a waiver that extended the period of availability of fiscal year 2007 funds for the Reading First program.

- ***"Growth Model Pilot"***

Growth models implemented through the Department's pilot program track individual student achievement from one year to the next, giving schools credit for increases in student academic achievement over time. The pilot was designed to support ESEA implementation in two ways. First, rigorous evaluation of the approved growth models would provide important information to the Department and to States about effective ways in which schools can meet statutory proficiency goals, thus closing the achievement gap for all students. Second, reliable identification of student growth is predicated on the use of high-quality data and assessment systems; thus, the results of the program would continue to inform all stakeholders about exceptional accountability models that build toward student attainment of proficiency.

In 2009, the Department granted four new waivers allowing implementation of a growth model as part of the Department's "growth model pilot" to Colorado, Minnesota, Pennsylvania, and Texas. Colorado received a waiver for the 2009-2010 school year only, while Minnesota, Pennsylvania, and Texas received a waiver for the 2009-2010 school year through the 2012-2013 school year. In 2009, fifteen States in total had waivers to implement accountability systems based on growth models. These waivers allow these States to use growth-based accountability models as part of the process of determining AYP.

The Department is conducting an evaluation of the impact of the growth model pilot on AYP determinations. In April 2010, the Department's Office of Planning, Evaluation and Policy Development/Policy and Program Studies Service released the *Interim Report on the Evaluation of*



*the Growth Model Pilot Project.* The interim report analyzes the effects of growth models in the first eight states approved under the pilot for the 2006–2007 school year: Alaska, Arizona, Arkansas, Delaware, Florida, Iowa, North Carolina, and Tennessee. Based on analyses of data collected by the Department and provided by the pilot states, this report describes the progress these States made in implementing their growth models. The key findings are: growth models enabled additional schools to make AYP, but overall percentage increases were not large; the impact of growth models varied widely across states; and most (but not all) schools that made AYP under the growth model would also have made AYP under the statutory “status” method.

A key implication of the study is that to improve the use of growth data in accountability systems, states might consider clarifying each school’s progress by calculating growth before making determinations of AYP based on meeting AYP performance thresholds or safe harbor, or by classifying each school in terms of both growth and performance thresholds. The complete interim report is available online at <http://www2.ed.gov/rschstat/eval/disadv/growth-model-pilot/gmpp.pdf>.

- *“Differentiated Accountability Pilot”*

A differentiated accountability model is a more nuanced way of distinguishing between schools and districts in need of intensive intervention and those that are closer to meeting their goals. Through this pilot, the Department hoped to discover various approaches to differentiation that produce more targeted and effective interventions for schools and school districts in need of improvement, ultimately resulting in all students reaching proficiency in reading/language arts and mathematics by 2014. In return for the additional flexibility offered through the pilot, States must strengthen their own capacity for school reform, implement the most substantive and comprehensive interventions in the lowest-performing schools and school districts, and use student achievement data to determine the method of differentiation.

In 2009, the Department granted waivers allowing three new States to participate in the Department’s “differentiated accountability pilot” – Arkansas, Louisiana, and New York. All three States received the waiver beginning in the 2009-2010 school year through the 2012-2013 school year. In 2009, nine States in total had approved differentiated accountability models. These waivers allow these States to vary the intensity and type of interventions to match the academic reasons that led to a school’s identification for improvement instead of following the statutory requirement for intervening in identified schools. In addition, the differentiated accountability pilot assists participating States that have a large percentage of their schools identified for improvement by targeting resources and interventions to those schools most in need of intensive interventions and significant reform. The Department is conducting an evaluation of the effects of the differentiated accountability models on student academic achievement.

- *Substitute Assessment Waiver*

The ESEA requires States to use the same statewide academic assessments for all students to measure student achievement and requires a State’s assessment system to address the depth and breadth of the State’s academic content standards.

The Department granted a substitute assessment waiver permitting Maryland to use, from the 2008-2009 school year through the 2011-2012 school year, the Advanced Placement or the International Baccalaureate biology assessments in place of the State's high school science end-of-course assessment. The Department acknowledged that the Advanced Placement and the International Baccalaureate assessments are of high quality and are tied to specific college-level course content. The Department determined that Maryland submitted sufficient evidence demonstrating that these assessments are as aligned with equal or more rigorous content as the State's end-of-course assessment, and that the assessments hold students to standards that meet or exceed the State's standards.

- *Delayed Assessment Results and/or Public School Choice Notice*

The ESEA requires States to release the results of their state academic assessments for a given school year before the beginning of the next school year. The regulations promulgated under Title I of the ESEA also require schools to provide notice of public school choice at least 14 days before the start of the school year.

The Department granted delayed assessment waivers permitting California, Puerto Rico, and South Carolina to postpone the release of results of the States' respective academic assessments administered in the 2008-2009 school year because new assessments had been implemented in that year. In addition, the Department granted these SEAs a waiver to postpone notice of public school choice for the start of the 2009-2010 school year until assessment results were available.

The Department also granted a waiver permitting Kentucky to postpone notice of public school choice for the 2009-2010 school year until assessment results were available. Kentucky delayed administering its statewide assessment because parts of the State were under a state of emergency due to severe weather during the 2008-2009 school year.

- *Adequate Yearly Progress Determinations*

The ESEA requires States to make annual determinations of whether a school is making AYP based on the statewide assessments administered during a given school year and other academic indicators such as graduation rate.

Kentucky and West Virginia received waivers exempting some schools in the State from the requirement to assess all students in reading/language arts and mathematics and to use the results of those assessments to determine whether a school made AYP during the 2008-2009 school year because severe flooding occurred during the testing period. Specifically, the Belfry Middle School in Kentucky and some schools in Mingo County, West Virginia, were affected.

- *Title I Within-District Allocation Waivers*

The ESEA requires an LEA to use funds in eligible school attendance areas. (A school attendance area is the geographical area in which the children who are normally served by that school reside.) To be eligible, the percentage of children from low-income families in a school

attendance area must be at least as high as the percentage of children from low-income families served by the LEA as a whole or be at least 35 percent. The per-pupil amount of funds allocated to each school attendance area with a poverty percentage below 35 percent must be at least 125 percent of the per-pupil amount of Title I funds the LEA received for that year.

The Department granted a waiver that allowed McHenry Community High School District 156 in Illinois to allocate Title I funds to McHenry High School–East Campus, which was just below the district-wide poverty rate and, therefore, not otherwise eligible for Title I funds. The district has two high schools, and both have poverty rates of less than 35 percent. This waiver further enabled this district to allocate an amount per poor child to both its high schools that was less than 125 percent of the per-pupil amount for the district as a whole.

The Department also granted a waiver that allowed Milwaukee Public Schools in Wisconsin to allocate Title I funds to five schools that had poverty rates below 35 percent and, therefore, were not otherwise eligible for Title I funds. It further enabled this district to allocate an amount per poor child to all its Title I schools that was less than 125 percent of the per-pupil amount for the district as a whole.

- *Title I Carryover Limitation Waiver*

Under the ESEA, an LEA may carry over no more than 15 percent of its Title I allocation from one fiscal year to the next. Although an SEA is authorized to waive this limitation, the ESEA prohibits an SEA from granting to an LEA a waiver of the Title I carryover limitation more than once every three years.

The Michigan Department of Education received a waiver allowing it to grant a waiver of the carryover limitation more frequently than once every three years to Detroit Public Schools, specifically for FY 2007 Title I funds allocated to the LEA for school year 2007-2008 and for FY 2008 Title I funds allocated to the LEA for school year 2008-2009.

- *Allowing LEAs to Exclude Title I, Part A Allocation When Calculating an LEA's obligation to spend 10 percent of its funds for professional development*

An LEA classified as in need of improvement is required to spend not less than 10 percent of its Title I, Part A funds on professional development.

The Department granted waivers to 19 LEAs in Massachusetts exempting an LEA identified for improvement, or a school identified for improvement in the LEA, from the requirement to reserve 10 percent of its Title I allocation for professional development.

- *Transferability Rule Waiver*

Transferability is a flexibility authority that permits SEAs and LEAs to transfer a portion of the funding they receive by formula under certain Federal programs to their allocations under other programs so that they can address more effectively their unique needs.



The Department granted a waiver that permitted the New York State Department of Education to transfer certain funds under the 21<sup>st</sup> Century Community Learning Centers program for State-level activities to its Title I administrative reserve funds. The waiver allowed the State to enhance its Title I allocation so that it could continue to implement specific strategies for State activities.

- *Waivers of the Administrative Cost Limitation that Applies to Indian Education Funds*

Under the Indian Education formula grant program, recipients are permitted to expend no more than five percent of their grant award on administrative costs. Some LEAs that receive relatively small awards under the program may have difficulty effectively administering the program if subjected to the five percent administrative cost cap. As part of their application for funds under the program, LEAs are allowed to request a waiver of the five percent limitation. In 2009, the Department granted waivers of the administrative cost limitation applicable to the Indian Education formula grant program to four school districts in three States—Whiteriver Unified School District, in Arizona; Ventura Unified School District, in California; and Muskogee Public Schools and Tulsa Public Schools, in Oklahoma.

***Invited Waiver Requests, Including Those Related to Title I, Part A Funding Provided Under ARRA***

- *Notification of Public School Choice Waivers*

The Title I regulations require an LEA to provide parents of eligible students with notice of their public school choice options at least 14 days before the start of the school year.

In 2009, the Department granted 22 States and Puerto Rico waivers that permitted LEAs in those States to provide notice of public school choice options less than 14 days before the start of the school year to parents of eligible children attending schools that were newly identified for improvement for the 2009-2010 school year or that made AYP in the previous year but did not exit improvement status.

- *Allowing LEAs and Schools in Need of Improvement to Be Eligible to Apply to Their SEA to Become SES Providers*

The Title I regulations prohibit an SEA from approving as a provider of SES a school identified for improvement, corrective action, or restructuring or an LEA identified for improvement or corrective action.

In 2009, the Department granted 28 waivers allowing SEAs to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009-2010 school year.

- *Allowing LEAs to Provide SES to Eligible Students in Title I Schools in the First Year of School Improvement and Counting the Costs of Doing So Toward Meeting the LEA's "20 Percent Obligation"*

The ESEA requires an LEA with one or more schools in improvement, corrective action, or restructuring to spend an amount at least equal to 20 percent of its Title I, Part A, Subpart 2 allocation on public school-choice related transportation and SES ("20 percent obligation"). In determining whether an LEA has met its 20 percent obligation, an LEA may not count the funds that it spends on providing SES to students attending schools in the first year of improvement because the LEA has no statutory or regulatory obligation to provide SES to students attending those schools.

In 2009, the Department granted 25 new waivers and six continuations of existing waivers for the 2009-2010 school year allowing LEAs to provide SES, in addition to public school choice, to eligible students attending Title I schools in their first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

- *Allowing an LEA to Exclude its Title I, Part A Allocation Received Under ARRA When Calculating its Obligation to Spend the Equivalent of 20 Percent of Title I, Part A Funds for Public School Choice-Related Transportation and SES*

An LEA's obligation to spend an amount equal to at least 20 percent of its Title I, Part A, Subpart 2 allocation on transportation for public school choice and on SES (20 percent obligation) is a Title I, Part A requirement that was affected in FY 2009 by the availability of Title I, Part A ARRA funds.

In 2009, the Department granted 41 States and the District of Columbia waivers allowing LEAs in those States to exclude all or part of their Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

- *Allowing an LEA or a School to Exclude its Title I, Part A Allocation Received Under ARRA When Calculating its Obligation to Spend 10 Percent of Title I, Part A Funds for Professional Development*

Like an LEA in improvement, a school in improvement status is required to spend not less than 10 percent of the Title I, Part A funds it receives on professional development. The responsibility of an LEA or a school classified as in need of improvement to spend 10 percent of its Title I, Part A funds on professional development is a Title I, Part A requirement that was affected in FY 2009 by the availability of Title I, Part A ARRA funds.

In 2009, the Department granted 37 States and the District of Columbia a total of 76 waivers allowing LEAs and schools in those States that are in improvement, corrective action, or restructuring to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.



In addition, Virginia and Maryland were granted waivers allowing the LEAs in those States that are in improvement or corrective action to exclude all or part of their Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

- *Allowing an LEA to Exclude Title I, Part A Funds Received Under ARRA When Calculating the Per-Pupil Amount for SES*

The responsibility of an LEA to calculate the per-pupil amount for SES based on its Title I, Part A, Subpart 2 allocation is a Title I, Part A requirement that was affected in FY 2009 by the availability of Title I, Part A ARRA funds.

In 2009, the Department granted waivers to 39 States and the District of Columbia allowing LEAs in those States to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

- *Authorizing an SEA to Waive the Carryover Limitation for an LEA that Needs an Additional Waiver Because of its Receipt of Title I, Part A ARRA Funds*

The prohibition on an SEA's ability to grant to an LEA a waiver of the carryover limitation more than once every three years is a Title I, Part A requirement that has been affected by the availability of Title I, Part A ARRA funds.

In 2009, the Department granted waivers to 35 States and the District of Columbia authorizing those SEAs to waive the Title I carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

## **CONCLUSION**

In 2009, the Department granted more waivers under the authority in section 9401 of ESEA than in previous years. The greatest waiver activity was centered on the extension of the Tydings period of fund availability for the Reading First program and on the waiver requests the Department indicated that it would specifically consider of eight statutory and regulatory requirements of Title I, Part A of the ESEA, including requirements that were affected by funds provided through ARRA.

We believe that these waivers can serve as useful tools in facilitating State and local efforts to raise student academic achievement. While it is typically very difficult to measure the impact that particular waivers have on student academic achievement, we believe that they provide States and districts with needed flexibility by removing, under particular circumstances, specific statutory or regulatory impediments to State or local education reform efforts. The Department is conducting evaluations of the impact of the growth model, differentiated accountability, and SES pilot waivers on student academic achievement and, as data become available, we will include this information in future reports.

## APPENDIX A



# Federal Register

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Thursday,  
September 16, 2010

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## Part IV

### Department of Education

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Notice of Waivers Granted Under Section  
9401 of the Elementary and Secondary  
Education Act of 1965, as Amended;  
Notice



**DEPARTMENT OF EDUCATION****Notice of Waivers Granted Under Section 9401 of the Elementary and Secondary Education Act of 1965, as Amended**

**SUMMARY:** In this notice, we announce the waivers that the U.S. Department of Education (Department) granted during calendar year 2009 under the waiver authority in section 9401 of the Elementary and Secondary Education Act of 1965, as amended (ESEA). We also announce waivers that the Department granted under the waiver authority in section 9401 for Title I, Part A programs for funding provided through the American Recovery and Reinvestment Act of 2009 (ARRA).

**SUPPLEMENTARY INFORMATION:** In 2009, the Department granted a total of 351 waivers under the waiver authority in section 9401 of the ESEA. The waivers granted were as follows: (1) Two waivers extending the period in which funds are available for obligation for various programs due to Hurricanes Katrina and Rita, twenty-seven waivers extending the period in which funds are available for obligation for the Reading First program, and three waivers extending the period in which funds are available for obligation for School Improvement activities; (2) four waivers allowing implementation of the "growth model pilot;" (3) three waivers allowing implementation of the "differentiated accountability model pilot;" (4) one waiver allowing a substitute assessment; (5) four waivers allowing delayed release of assessment results; (6) two waivers of the adequate yearly progress (AYP) determinations; (7) two Title I, Part A within-district allocation waivers; (8) one waiver of the Title I carryover limitation; (9) nineteen waivers to local educational agencies (LEAs) identified for improvement to exclude their Title I, Part A allocation when calculating their obligation to spend 10 percent of their Title I funds for professional development; (10) one waiver of the ESEA transferability rules; (11) four waivers allowing recipients of funds under the Indian Education program to charge additional administrative costs to the program; (12) twenty-three waivers of the requirement to provide 14-day notice of public school choice; (13) twenty-eight waivers allowing State educational agencies (SEAs) to approve schools or LEAs in need of improvement to become supplemental educational services (SES) providers; (14) twenty-five new waivers and six continuations of existing waivers allowing LEAs to provide SES to eligible students attending schools

that receive funding under Title I, Part A of the ESEA (Title I schools) and are in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation"; and (15) one hundred and ninety-six waivers allowing LEAs and/or schools to exclude their Title I, Part A allocation received under ARRA when calculating their obligation to spend their funds for public school choice and professional development and when calculating the per-pupil amount for SES, and to waive the carryover limitation more than once every three years.

*Waiver Data:***I. Extensions of the Obligation Period***A. Waivers Related to Hurricanes Katrina and Rita***1. Waiver Applicant: Louisiana Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of the General Education Provisions Act (GEPA).
- Date waiver granted: October 19, 2009.
- Description of waiver: Extended until December 31, 2009 the period of availability for fiscal year 2007 funds for various programs authorized under the ESEA, specifically Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies; Title I, Part A, School Improvement under Section 1003(a); Title I, Part A, School Improvement Grants under Section 1003(g); Title I, Part B, Subpart 1, Reading First; Title I, Part D, Neglected and Delinquent State Agency and Local Educational Agency Program; Title II Part A, Improving Teacher Quality State Grants; Title II Part B, Sections 2201–2203, Mathematics and Science Partnerships; Title II, Part D, Enhancing Education Through Technology State Grants; Title III, English Language Acquisition State Grants; and Title IV, Safe and Drug-Free Schools and Communities

**2. Waiver Applicant: Louisiana Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of the General Education Provisions Act (GEPA).
- Date waiver granted: October 19, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 funds for the 21st Century Community Learning Centers grant authorized under the ESEA.

*B. Waivers for the Reading First Program***1. Waiver Applicant: Alabama Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 22, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

**2. Waiver Applicant: Alaska Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 12, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

**3. Waiver Applicant: Arizona Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: July 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

**4. Waiver Applicant: Arkansas Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 17, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds

**5. Waiver Applicant: Colorado Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: July 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds

**6. Waiver Applicant: Georgia Department of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 10, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

**7. Waiver Applicant: Illinois State Board of Education**

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 17, 2009.

- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

8. Waiver Applicant: Indiana Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: September 1, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

9. Waiver Applicant: Kentucky Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: July 27, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

10. Waiver Applicant: Maine Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

11. Waiver Applicant: Massachusetts Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: May 27, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

12. Waiver Applicant: Mississippi Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 26, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

13. Waiver Applicant: New Jersey Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

14. Waiver Applicant: New Mexico Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.

- Date waiver granted: August 12, 2009

- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

15. Waiver Applicant: North Carolina Department of Public Instruction

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 13, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

16. Waiver Applicant: North Dakota Department of Public Instruction

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: July 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

17. Waiver Applicant: Ohio Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: October 2, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

18. Waiver Applicant: Oregon Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 12, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

19. Waiver Applicant: Pennsylvania Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 12, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

20. Waiver Applicant: Rhode Island Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 12, 2009.
- Description of waiver: Extended until September 30, 2010 the period of

availability for fiscal year 2007 Reading First funds.

21. Waiver Applicant: South Carolina Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: September 23, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

22. Waiver Applicant: South Dakota Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: July 31, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

23. Waiver Applicant: Texas Education Agency

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 13, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

24. Waiver Applicant: Vermont Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 10, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

25. Waiver Applicant: Washington Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: August 12, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

26. Waiver Applicant: West Virginia Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: June 22, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

27. Waiver Applicant: Wyoming Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.

- Date waiver granted: July 31, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Reading First funds.

#### *C. Waivers for the School Improvement Program*

##### 1. Waiver Applicant: California Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: May 4, 2009.
- Description of waiver: Extended until March 31, 2010 the period of availability for fiscal year 2006 Title I, Part A funds reserved for school improvement activities under section 1003(a) of the ESEA.

##### 2. Waiver Applicant: California Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: October 30, 2009.
- Description of waiver: Extended until September 30, 2010 the period of availability for fiscal year 2007 Title I, Part A funds reserved for school improvement activities under section 1003(g) of the ESEA.

##### 3. Waiver Applicant: New York Department of Education

- Provision waived: Tydings Amendment, section 421(b) of GEPA.
- Date waiver granted: September 30, 2009.
- Description of waiver: Extended until March 31, 2010 the period of availability for fiscal year 2007 Title I, Part A funds reserved for school improvement activities under section 1003(g) of the ESEA.

#### II. "Growth Model Pilots"

##### 1. Waiver Applicant: Colorado Department of Education

- Provision waived: Section 1111(b)(2) of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided Colorado the flexibility to implement a growth-based accountability model as part of determining adequate yearly progress (AYP) for the 2009–2010 school year, based on assessments administered in the 2008–2009 school year.

##### 2. Waiver Applicant: Minnesota Department of Education

- Provision waived: Section 1111(b)(2) of the ESEA.
- Date waiver granted: January 8, 2009.

- Description of waiver: Provided Minnesota the flexibility to implement a growth-based accountability model as part of determining AYP beginning in the 2009–2010 school year through the 2012–2013 school year based on assessments administered in the 2008–2009 school year through the 2011–2012 school year.

##### 3. Waiver Applicant: Pennsylvania Department of Education

- Provision waived: Section 1111(b)(2) of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided Pennsylvania the flexibility to implement a growth-based accountability model as part of determining AYP beginning in the 2009–2010 school year through the 2012–2013 school year based on assessments administered in the 2008–2009 school year through the 2011–2012 school year.

##### 4. Waiver Applicant: Texas Education Agency

- Provision waived: Section 1111(b)(2) of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided Texas the flexibility to implement a growth-based accountability model as part of determining AYP beginning in the 2009–2010 school year through the 2012–2013 school year based on assessments administered in the 2008–2009 school year through the 2011–2012 school year.

#### III. "Differentiated Accountability Model Pilots"

##### 1. Waiver Applicant: Arkansas Department of Education

- Provision waived: Section 1116 of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided Arkansas the flexibility to include its differentiated accountability model as a part of its system of school improvement interventions beginning in the 2009–2010 school year through the 2012–2013 school year.

##### 2. Waiver Applicant: Louisiana Department of Education

- Provision waived: Section 1116 of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided Louisiana the flexibility to include its differentiated accountability model as a part of its system of school

improvement interventions beginning in the 2009–2010 school year through the 2012–2013 school year.

##### 3. Waiver Applicant: New York Department of Education

- Provision waived: Section 1116 of the ESEA.
- Date waiver granted: January 8, 2009.
- Description of waiver: Provided New York the flexibility to include its differentiated accountability model as a part of its system of school improvement interventions beginning in the 2009–2010 school year through the 2012–2013 school year.

#### IV. Substitute Assessments

##### 1. Waiver Applicant: Maryland Department of Education

- Provisions waived: Section 1111(b)(3)(C)(i) of the ESEA and 34 CFR 200.3(a)(1)(i).
- Date waiver granted: January 15, 2009.
- Description of waiver: Permits Maryland to use Advanced Placement or the International Baccalaureate Biology assessments, from the 2008–2009 school year through the 2011–2012 school year, in place of the high school science end-of-course assessment even though the same assessment will not be used by all students and some students may take an assessment that does not cover the full breadth and depth of the State's academic content standards.

#### V. Delayed Release of Assessment Results and/or Public School Choice Notice

##### 1. Waiver Applicant: California Department of Education

- Provision waived: Sections 1116(a)(2) and 1116(b)(1)(E)(i) of the ESEA.
- Date waiver granted: November 6, 2009.
- Description of waiver: Allows California to postpone the release of results of the State academic assessment administered in the 2008–2009 school year because new assessments had been implemented in that year, and to postpone notice of public school choice for the start of the 2009–2010 school year until assessment results are available.

##### 2. Waiver Applicant: Kentucky Department of Education

- Provision waived: Section 1116(b)(1)(E)(i) of the ESEA.
- Date waiver granted: September 4, 2009.
- Description of waiver: Allows Kentucky to postpone notice of public



school choice for the 2009–2010 school year until assessment results are available. Due to severe weather Kentucky experienced during the 2008–2009 school year, Kentucky delayed administering its statewide assessments.

**3. Waiver Applicant: Puerto Rico Department of Education**

- Provision waived: Section 1116(b)(1)(E)(i) of the ESEA.
- Date waiver granted: December 11, 2009.
- Description of waiver: Allows Puerto Rico to postpone the release of results of the State academic assessment administered in the 2008–2009 school year because new assessments had been implemented in that year, and to postpone notice of public school choice for the start of the 2009–2010 school year until assessment results are available.

**4. Waiver Applicant: South Carolina Department of Education**

- Provisions waived: Sections 1116(a)(2) and 1116(b)(1)(E)(i) of the ESEA.
- Date waiver granted: September 9, 2009.
- Description of waiver: Allows South Carolina to postpone the release of results of the State academic assessment administered in the 2008–2009 school year because new assessments had been implemented in that year, and to postpone notice of public school choice for the start of the 2009–2010 school year until assessment results are available.

**VI. AYP Determinations**

**1. Waiver Applicant: Kentucky Department of Education**

- Provisions waived: Sections 1111(b)(3)(A), 1111(b)(3)(C)(vii), and 1116(a)(1)(A) of the ESEA.
- Date waiver granted: September 4, 2009.
- Description of waiver: Allows Belfry Middle School to exclude assessments administered in the 2008–2009 school year when making AYP determinations because flooding that occurred during testing on May 8, 2009, damaged test materials.

**2. Waiver Applicant: West Virginia Department of Education**

- Provisions waived: Sections 1111(b)(3)(A), 1111(b)(3)(C)(vii), and 1116(a)(1)(A) of the ESEA.
- Date waiver granted: May 22, 2009.
- Description of waiver: Allows some schools in Mingo County to exclude assessments administered in the 2008–2009 school year when making AYP determinations because flooding

occurred during the testing period, which made schools inoperable and unable to administer the State assessments.

**VII. Title I Within-District Allocation Waiver**

**1. Waiver Applicant: McHenry Community High School District 156, IL**

- Provisions waived: Sections 1113(a)(2) and 1113(c)(2)(A) of the ESEA.
- Date waiver granted: October 15, 2009.
- Description of waiver: Enables the District to allocate Title I funds to its second high school, which is just below the district-wide poverty rate and, therefore, not eligible for Title I funds, and would further enable the District to allocate an amount per poor child to both its high schools that is less than 125 percent of the per-pupil amount for the District as a whole.

**2. Waiver Applicant: Milwaukee Public Schools, WI**

- Provisions waived: Sections 1113(a)(2) and 1113(c)(2)(A) of the ESEA.
- Date waiver granted: November 6, 2009.
- Description of waiver: Enables Milwaukee Public Schools to allocate Title I funds to five schools that are below the district-wide poverty rate of 35 percent and, therefore, not eligible for Title I funds, and would further enable Milwaukee to allocate an amount per poor child to all its Title I schools that is less than 125 percent of the per-pupil amount for Milwaukee as a whole.

**VIII. Allowing an LEA To Carry Over Title I Funds From One Fiscal Year to the Next**

**1. Waiver Applicant: Michigan Department of Education**

- Provision waived: Section 1127(b) of the ESEA.
- Date waiver granted: June 17, 2009.
- Description of waiver: Allows Michigan to grant a carryover exemption more frequently than once every three years to Detroit Public Schools, specifically for FY 2007 Title I funds allocated to the LEA for school year 2007–2008 and for FY 2008 Title I funds allocated to the LEA for school year 2008–2009.

**IX. Allowing LEAs Identified for Improvement To Exclude Their Title I Allocation When Calculating an LEA's Obligation To Spend 10 Percent of the Funds for Professional Development**

1. On July 6, 2009, the Department granted the following LEAs in

Massachusetts waivers of sections 1116(b)(3)(A)(iii) and 1116(c)(7)(A)(iii) of the ESEA. These sections preclude the 19 districts from using funds other than Title I, Part A funds for the 2008–2009 school year to meet the 10 percent professional development spending requirement. These waivers exempt an LEA identified for improvement, or an LEA for a school identified for improvement in the LEA from reserving 10 percent of its Title I allocation for professional development.

For schools identified for improvement:

- Adams Cheshire (for Plunkett Elementary School)
- Amherst-Pelham Regional (for Crocker Farm Elementary School in Amherst)
- Atlantis Charter School (single-school district)
- Attleborough (for Studley Elementary School)
- Greater New Bedford Voc-Tech (single-school district)
- Hawlemont (for Hawlemont Regional High School)
- Lowell (for Moody Elementary and McAuliffe Elementary Schools)
- Marblehead (for the Village School)
- Mohawk Trail Regional (for Buckland-Shelburne Elementary School)
- Monson (for Quarry Hill Community School)
- Norton (for Henry Yelle Elementary School)
- Orange (for Butterfield Elementary and Dexter Park Intermediate Schools)
- Randolph (for Lyons Elementary School)
- Triton Regional (for Salisbury Elementary School)
- Tyngsborough (for Tyngsborough Elementary School)
- Waltham (for Whittemore Elementary and Plympton Elementary Schools)

For LEAs identified for improvement:

- Agawam
- Ashburhan-Westminster Regional
- Plymouth

**X. Transferability Waiver**

**1. Waiver Applicant: New York State Department of Education**

- Provision waived: Section 6123(a) of the ESEA.
- Date waiver granted: November 23, 2009.
- Description of waiver: Permits the State to transfer certain Title IV, Part B funds for State-level activities to its Title I, Part A Administrative Reserve funds.

#### **XI. Waivers of the Administrative Cost Limitation That Applies to Indian Education Funds**

On June 17, 2009, the Department granted the following LEAs waivers of section 7115(d) of the ESEA, which establishes a five percent administrative cost limitation on funds awarded under the Indian Education formula grant program:

- Whiteriver Unified School District, AZ
- Ventura Unified School District, CA
- Muskogee Public Schools, OK
- Tulsa Public Schools, OK

#### **XII. Notification of Public School Choice**

##### **1. Waiver Applicant: Alabama Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 14, 2009.
- Description of waiver: Permitted Alabama's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **2. Waiver Applicant: Arizona Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 24, 2009.
- Description of waiver: Permitted Arizona's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **3. Waiver Applicant: California Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: November 6, 2009.
- Description of waiver: Permitted California's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **4. Waiver Applicant: Colorado Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 11, 2009.
- Description of waiver: Permitted Colorado's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **5. Waiver Applicant: Idaho Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: October 15, 2009.
- Description of waiver: Permitted Idaho's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **6. Waiver Applicant: Illinois State Board of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 16, 2009.
- Description of waiver: Permitted Illinois' LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **7. Waiver Applicant: Kentucky Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 4, 2009.
- Description of waiver: Permitted Kentucky's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **8. Waiver Applicant: Louisiana Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 27, 2009.
- Description of waiver: Permitted Louisiana's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **9. Waiver Applicant: Maine Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 23, 2009.
- Description of waiver: Permitted Maine's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **10. Waiver Applicant: Massachusetts Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 24, 2009.
- Description of waiver: Permitted Massachusetts' LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

##### **11. Waiver Applicant: Missouri Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 7, 2009.
- Description of waiver: Permitted Missouri's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**12. Waiver Applicant: New Jersey Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: October 2, 2009.
- Description of waiver: Permitted New Jersey's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**13. Waiver Applicant: New Mexico Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 31, 2009.
- Description of waiver: Permitted New Mexico's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**14. Waiver Applicant: Oklahoma Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: October 15, 2009.
- Description of waiver: Permitted Oklahoma's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**15. Waiver Applicant: Pennsylvania Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 27, 2009.
- Description of waiver: Permitted Pennsylvania's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**16. Waiver Applicant: Puerto Rico Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: December 11, 2009.
- Description of waiver: Permitted Puerto Rico to postpone notice of public school choice options for some schools beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**17. Waiver Applicant: South Carolina Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 9, 2009.
- Description of waiver: Permitted South Carolina's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**18. Waiver Applicant: Tennessee Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 27, 2009.
- Description of waiver: Permitted Tennessee's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**19. Waiver Applicant: Utah State Office of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: October 15, 2009.
- Description of waiver: Permitted Utah's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**20. Waiver Applicant: Virginia Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 4, 2009.
- Description of waiver: Permitted Virginia's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**21. Waiver Applicant: Washington Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: August 13, 2009.
- Description of waiver: Permitted Washington's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**22. Waiver Applicant: West Virginia Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 23, 2009.
- Description of waiver: Permitted West Virginia's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.

**23. Waiver Applicant: Wyoming Department of Education**

- Provision waived: 34 CFR 200.37(b)(4)(iv).
- Date waiver granted: September 16, 2009.
- Description of waiver: Permitted Wyoming's LEAs to postpone notice of public school choice options beyond 14 days before the start of the school year to parents of eligible children attending schools that are newly identified for improvement for the 2009–2010 school year or that made AYP in the previous year but did not exit improvement status.



**XIII. Allowing SEAs To Approve Schools or LEAs in Need of Improvement To Become SES Providers****1. Waiver Applicant: Alaska Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 13, 2009.
- Description of waiver: Permitted Alaska to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**2. Waiver Applicant: Arizona Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 16, 2009.
- Description of waiver: Permitted Arizona to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**3. Waiver Applicant: California Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: October 23, 2009.
- Description of waiver: Permitted California to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**4. Waiver Applicant: Colorado Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 11, 2009
- Description of waiver: Permitted Colorado to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**5. Waiver Applicant: Connecticut Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 11, 2009.
- Description of waiver: Permitted Connecticut to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**6. Waiver Applicant: Florida Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 23, 2009.
- Description of waiver: Permitted Florida to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**7. Waiver Applicant: Georgia Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: August 13, 2009.
- Description of waiver: Permitted Georgia to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**8. Waiver Applicant: Idaho Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: October 15, 2009.
- Description of waiver: Permitted Idaho to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**9. Waiver Applicant: Illinois State Board of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 16, 2009.
- Description of waiver: Permitted Illinois to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**10. Waiver Applicant: Indiana Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: September 23, 2009.
- Description of waiver: Permitted Indiana to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**11. Waiver Applicant: Kentucky Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).

- Date waiver granted: September 4, 2009.

- Description of waiver: Permitted Kentucky to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**12. Waiver Applicant: Massachusetts Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 24, 2009
- Description of waiver: Permitted Massachusetts to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**13. Waiver Applicant: Michigan Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 23, 2009
- Description of waiver: Permitted Michigan to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**14. Waiver Applicant: Missouri Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 7, 2009.
- Description of waiver: Permitted Missouri to approve a school or LEA identified for improvement to serve as a provider of SES during the 2009–2010 school year.

**15. Waiver Applicant: North Carolina Department of Public Instruction**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B)
- Date waiver granted: September 4, 2009
- Description of waiver: Permitted North Carolina to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**16. Waiver Applicant: Nebraska Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 26, 2009.
- Description of waiver: Permitted Nebraska to approve a school or LEA identified for improvement, corrective

action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**17. Waiver Applicant: New Mexico Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 31, 2009.
- Description of waiver: Permitted New Mexico to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**18. Waiver Applicant: Ohio Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 14, 2009.
- Description of waiver: Permitted Ohio to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**19. Waiver Applicant: Oklahoma Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: October 15, 2009.
- Description of waiver: Permitted Oklahoma to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**20. Waiver Applicant: Oregon Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: October 23, 2009.
- Description of waiver: Permitted Oregon to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**21. Waiver Applicant: Pennsylvania Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 27, 2009.
- Description of waiver: Permitted Pennsylvania to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**22. Waiver Applicant: Rhode Island Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 24, 2009.
- Description of waiver: Permitted Rhode Island to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**23. Waiver Applicant: South Carolina Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: September 9, 2009.
- Description of waiver: Permitted South Carolina to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**24. Waiver Applicant: South Dakota Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 14, 2009.
- Description of waiver: Permitted South Dakota to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**25. Waiver Applicant: Tennessee Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 27, 2009.
- Description of waiver: Permitted Tennessee to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**26. Waiver Applicant: Washington Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: August 13, 2009.
- Description of waiver: Permitted Washington to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**27. Waiver Applicant: Wisconsin Department of Public Instruction**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).

- Date waiver granted: August 13, 2009.

• Description of waiver: Permitted Wisconsin to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**28. Waiver Applicant: Wyoming Department of Education**

- Provision waived: 34 CFR 200.47(b)(1)(iv)(A) and (B).
- Date waiver granted: September 16, 2009.
- Description of waiver: Permitted Wyoming to approve a school or LEA identified for improvement, corrective action, or restructuring to serve as a provider of SES during the 2009–2010 school year.

**XIV. Allowing LEAs to Provide SES, in Addition to Public School Choice, to Eligible Students in Title I Schools in the First Year of School Improvement and Counting the Costs of Both Toward Meeting the LEA's "20 Percent Obligation"**

*New Applicants*

**1. Waiver Applicant: Arizona Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 16, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Arizona to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**2. Waiver Applicant: California Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: December 11, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in California to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**3. Waiver Applicant: Connecticut Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 11, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Connecticut to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

4. Waiver Applicant: DC Office of the State Superintendent of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: October 15, 2009.
- Description of waiver: For the 2009–2010 school year, permitted the District of Columbia LEAs to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

5. Waiver Applicant: Idaho Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48
- Date waiver granted: October 15, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Idaho to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

6. Waiver Applicant: Iowa Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48
- Date waiver granted: August 31, 2009
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Iowa to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

7. Waiver Applicant: Kentucky Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 4, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Kentucky to offer SES, in addition to public school choice, to eligible students in Title I schools in the first

year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

8. Waiver Applicant: Maryland Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: November 2, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Maryland to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

9. Waiver Applicant: Massachusetts Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: August 24, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Massachusetts to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

10. Waiver Applicant: Michigan Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 23, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Michigan to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

11. Waiver Applicant: Missouri Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: August 7, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Missouri to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

12. Waiver Applicant: Nebraska Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48
- Date waiver granted: August 26, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Nebraska to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

13. Waiver Applicant: Nevada Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: October 8, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Nevada to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

14. Waiver Applicant: New Hampshire Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48
- Date waiver granted: September 23, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in New Hampshire to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

15. Waiver Applicant: New Jersey Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: October 2, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in New Jersey to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

16. Waiver Applicant: New Mexico Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48



- Date waiver granted: August 31, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in New Mexico to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

17. Waiver Applicant: Ohio Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: August 14, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Ohio to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

18. Waiver Applicant: Oklahoma Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: October 15, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Oklahoma to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

19. Waiver Applicant: Oregon Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: October 23, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Oregon to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

20. Waiver Applicant: Rhode Island Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: August 24, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Rhode Island to offer SES, in addition

to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

21. Waiver Applicant: South Carolina Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: September 9, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in South Carolina to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

22. Waiver Applicant: Washington Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: August 31, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Washington to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

23. Waiver Applicant: West Virginia Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: August 24, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in West Virginia to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

24. Waiver Applicant: Wisconsin Department of Public Instruction

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: August 13, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Wisconsin to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

25. Waiver Applicant: Wyoming Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: September 16, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Wyoming to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

#### *Continuation Applicants*

1. Waiver Applicant: Alabama Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: September 16, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Alabama to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

2. Waiver Applicant: Alaska Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: September 16, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in Alaska to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

3. Waiver Applicant: North Carolina Department of Public Instruction

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.

- Date waiver granted: September 16, 2009.

- Description of waiver: For the 2009–2010 school year, permitted LEAs in North Carolina to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**4. Waiver Applicant: Tennessee Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 16, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Tennessee to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**5. Waiver Applicant: Utah Department of Public Instruction**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 16, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Utah to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**6. Waiver Applicant: Virginia Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48.
- Date waiver granted: September 16, 2009.
- Description of waiver: For the 2009–2010 school year, permitted LEAs in Virginia to offer SES, in addition to public school choice, to eligible students in Title I schools in the first year of school improvement and to count the costs of both toward meeting the LEA's "20 percent obligation."

**XV. Waivers Related to Title I, Part A Funding Provided Under ARRA**

***A. Allowing an LEA To Exclude Its Title I, Part A Allocation Received Under ARRA When Calculating Its Obligation to Spend the Equivalent of 20 Percent of Title I, Part A Funds for Public School Choice-Related Transportation and SES***

**1. Waiver Applicant: Alabama Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 14, 2009.
- Description of waiver: Allows LEAs in Alabama to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of

their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**2. Waiver Applicant: Alaska Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 13, 2009.
- Description of waiver: Allows LEAs in Alaska to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**3. Waiver Applicant: Arizona Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 16, 2009.
- Description of waiver: Allows LEAs in Arizona to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**4. Waiver Applicant: Arkansas Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 23, 2009.
- Description of waiver: Allows LEAs in Arkansas to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**5. Waiver Applicant: California Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: December 11, 2009.
- Description of waiver: Allows LEAs in California to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**6. Waiver Applicant: Colorado Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 13, 2009.
- Description of waiver: Allows LEAs in Colorado to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**7. Waiver Applicant: Connecticut Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 11, 2009.
- Description of waiver: Allows LEAs in Connecticut to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**8. Waiver Applicant: DC Office of the State Superintendent of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 15, 2009.
- Description of waiver: Allows the District of Columbia LEA to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of its fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**9. Waiver Applicant: Florida Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs in Florida to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**10. Waiver Applicant: Georgia Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 13, 2009.

- Description of waiver: Allows LEAs in Georgia to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**11. Waiver Applicant: Hawaii Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: November 2, 2009.

- Description of waiver: Allows the LEA in Hawaii to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of its fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**12. Waiver Applicant: Idaho Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: October 15, 2009.

- Description of waiver: Allows LEAs in Idaho to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**13. Waiver Applicant: Illinois State Board of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 16, 2009.

- Description of waiver: Allows LEAs in Illinois to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**14. Waiver Applicant: Indiana Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 23, 2009.

- Description of waiver: Allows LEAs in Indiana to exclude all or part of the Title I, Part A ARRA funds when

calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**15. Waiver Applicant: Iowa Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 31, 2009.

- Description of waiver: Allows LEAs in Iowa to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**16. Waiver Applicant: Kentucky Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 4, 2009.

- Description of waiver: Allows LEAs in Kentucky to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**17. Waiver Applicant: Louisiana Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 27, 2009.

- Description of waiver: Allows LEAs in Louisiana to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**18. Waiver Applicant: Maine Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 23, 2009.

- Description of waiver: Allows LEAs in Maine to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**19. Waiver Applicant: Maryland Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: November 2, 2009.

- Description of waiver: Allows LEAs in Maryland to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**20. Waiver Applicant: Massachusetts Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 24, 2009.

- Description of waiver: Allows LEAs in Massachusetts to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**21. Waiver Applicant: Michigan Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 23, 2009.

- Description of waiver: Allows LEAs in Michigan to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**22. Waiver Applicant: Missouri Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 7, 2009.

- Description of waiver: Allows LEAs in Missouri to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**23. Waiver Applicant: Nebraska Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 26, 2009
- Description of waiver: Allows LEAs in Nebraska to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES

**24. Waiver Applicant: Nevada Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 8, 2009.
- Description of waiver: Allows LEAs in Nevada to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**25. Waiver Applicant: New Hampshire Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs in New Hampshire to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**26. Waiver Applicant: New Jersey Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 2, 2009.
- Description of waiver: Allows LEAs in New Jersey to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**27. Waiver Applicant: New Mexico Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 31, 2009.
- Description of waiver: Allows LEAs in New Mexico to exclude all or part of the Title I, Part A ARRA funds when

calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES

**28. Waiver Applicant: North Carolina Department of Public Instruction**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 4, 2009
- Description of waiver: Allows LEAs in North Carolina to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**29. Waiver Applicant: North Dakota Department of Public Instruction**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 2, 2009.
- Description of waiver: Allows LEAs in North Dakota to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**30. Waiver Applicant: Ohio Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 14, 2009.
- Description of waiver: Allows LEAs in Ohio to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**31. Waiver Applicant: Oklahoma Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 15, 2009.
- Description of waiver: Allows LEAs in Oklahoma to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**32. Waiver Applicant: Oregon Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: October 23, 2009.
- Description of waiver: Allows LEAs in Oregon to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**33. Waiver Applicant: Pennsylvania Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 27, 2009.
- Description of waiver: Allows LEAs in Pennsylvania to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**34. Waiver Applicant: Rhode Island Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: August 24, 2009.
- Description of waiver: Allows LEAs in Rhode Island to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**35. Waiver Applicant: South Carolina Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).
- Date waiver granted: September 9, 2009
- Description of waiver: Allows LEAs in South Carolina to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

**36. Waiver Applicant: South Dakota Department of Education**

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).



- Date waiver granted: August 14, 2009

- Description of waiver: Allows LEAs in South Dakota to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

37. Waiver Applicant: Tennessee Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2)

- Date waiver granted: August 27, 2009.

- Description of waiver: Allows LEAs in Tennessee to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

38. Waiver Applicant: Virginia Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: October 8, 2009.

- Description of waiver: Allows LEAs in Virginia to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

39. Waiver Applicant: Washington Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 13, 2009.

- Description of waiver: Allows LEAs in Washington to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

40. Waiver Applicant: West Virginia Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 24, 2009.

- Description of waiver: Allows LEAs in West Virginia to exclude all or part of the Title I, Part A ARRA funds when

calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

41. Waiver Applicant: Wisconsin Department of Public Instruction

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: August 13, 2009

- Description of waiver: Allows LEAs in Wisconsin to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

42. Waiver Applicant: Wyoming Department of Education

- Provisions waived: Section 1116(b)(10) of the ESEA and 34 CFR 200.48(a)(2).

- Date waiver granted: September 16, 2009.

- Description of waiver: Allows LEAs in Wyoming to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least the equivalent of 20 percent of their fiscal year 2009 Title I, Part A funds for public school choice-related transportation and SES.

*B. Allowing an LEA and/or a School to Exclude its Title I, Part A Allocation Received Under ARRA When Calculating Its Obligation to Spend 10 Percent of Title I, Part A Funds for Professional Development*

1. Waiver Applicant: Alabama Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 14, 2009.

- Description of waiver: Allows LEAs and schools in Alabama that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

2. Waiver Applicant: Alaska Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR

200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 13, 2009.

- Description of waiver: Allows LEAs and schools in Alaska that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

3. Waiver Applicant: Arizona Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 16, 2009.

- Description of waiver: Allows LEAs and schools in Arizona that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

4. Waiver Applicant: Arkansas Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: October 23, 2009.

- Description of waiver: Allows LEAs and schools in Arkansas that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

5. Waiver Applicant: California Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: December 11, 2009.

- Description of waiver: Allows LEAs and schools in California that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year

2009 Title I, Part A funds for professional development.

**6. Waiver Applicant: Colorado Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 11, 2009.

- Description of waiver: Allows LEAs and schools in Colorado that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**7. Waiver Applicant: Connecticut Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 11, 2009.

- Description of waiver: Allows LEAs and schools in Connecticut that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**8. Waiver Applicant: DC Office of the State Superintendent of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: October 15, 2009.

- Description of waiver: Allows the LEA and schools in the District of Columbia that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**9. Waiver Applicant: Florida Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 23, 2009.

- Description of waiver: Allows LEAs and schools in Florida that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**10. Waiver Applicant: Georgia Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 13, 2009

- Description of waiver: Allows LEAs and schools in Georgia that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**11. Waiver Applicant: Idaho Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: October 15, 2009.

- Description of waiver: Allows LEAs and schools in Idaho that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**12. Waiver Applicant: Illinois State Board of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 16, 2009.

- Description of waiver: Allows LEAs and schools in Illinois that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**13. Waiver Applicant: Indiana Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 23, 2009.

- Description of waiver: Allows LEAs and schools in Indiana that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development

**14. Waiver Applicant: Iowa Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 31, 2009

- Description of waiver: Allows LEAs and schools in Iowa that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**15. Waiver Applicant: Kentucky Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 4, 2009.

- Description of waiver: Allows LEAs and schools in Kentucky that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**16. Waiver Applicant: Louisiana Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 27, 2009.

- Description of waiver: Allows LEAs and schools in Louisiana that are in improvement, corrective action, or

restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**17. Waiver Applicant: Maine Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs and schools in Maine that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**18. Waiver Applicant: Maryland Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) of the ESEA and 34 CFR 200.52(a)(3)(iii).
- Date waiver granted: November 2, 2009.
- Description of waiver: Allows LEAs in Maryland that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**19. Waiver Applicant: Massachusetts Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: August 24, 2009.
- Description of waiver: Allows LEAs and schools in Massachusetts that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**20. Waiver Applicant: Michigan Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: October 23, 2009.

- Description of waiver: Allows LEAs and schools in Michigan that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**21. Waiver Applicant: Missouri Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: August 7, 2009.
- Description of waiver: Allows LEAs and schools in Missouri that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**22. Waiver Applicant: Nebraska Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: August 26, 2009.
- Description of waiver: Allows LEAs and schools in Nebraska that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**23. Waiver Applicant: Nevada Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: October 8, 2009.
- Description of waiver: Allows LEAs and schools in Nevada that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**24. Waiver Applicant: New Hampshire Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs and schools in New Hampshire that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**25. Waiver Applicant: New Jersey Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: October 2, 2009.
- Description of waiver: Allows LEAs and schools in New Jersey that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**26. Waiver Applicant: New Mexico Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: August 31, 2009.
- Description of waiver: Allows LEAs and schools in New Mexico that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**27. Waiver Applicant: North Carolina Department of Public Instruction**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: September 4, 2009.
- Description of waiver: Allows LEAs and schools in North Carolina that are in improvement, corrective action, or

restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

28. Waiver Applicant: North Dakota Department of Public Instruction

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: October 2, 2009.

- Description of waiver: Allows LEAs and schools in North Dakota that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

29. Waiver Applicant: Ohio Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 14, 2009.

- Description of waiver: Allows LEAs and schools in Ohio that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

30. Waiver Applicant: Oklahoma Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: October 15, 2009.

- Description of waiver: Allows LEAs and schools in Oklahoma that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

31. Waiver Applicant: Oregon Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR

200.52(a)(3)(iii) and 34 CFR

200.41(c)(5).

- Date waiver granted: October 23, 2009.

- Description of waiver: Allows LEAs and schools in Oregon that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

32. Waiver Applicant: Pennsylvania Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 27, 2009.

- Description of waiver: Allows LEAs and schools in Pennsylvania that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

33. Waiver Applicant: Rhode Island Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 24, 2009.

- Description of waiver: Allows LEAs and schools in Rhode Island that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

34. Waiver Applicant: South Carolina Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: September 9, 2009.

- Description of waiver: Allows LEAs and schools in South Carolina that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year

2009 Title I, Part A funds for professional development.

35. Waiver applicant: South Dakota Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 14, 2009.

- Description of waiver: Allows LEAs and schools in South Dakota that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

36. Waiver Applicant: Tennessee Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 27, 2009.

- Description of waiver: Allows LEAs and schools in Tennessee that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

37. Waiver Applicant: Virginia Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) of the ESEA and 34 CFR 200.52(a)(3)(iii).

- Date waiver granted: October 8, 2009.

- Description of waiver: Allows LEAs in Virginia that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

38. Waiver Applicant: Washington Department of Education

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).

- Date waiver granted: August 31, 2009.

- Description of waiver: Allows LEAs and schools in Washington that are in improvement, corrective action, or



restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**39. Waiver Applicant: Wisconsin Department of Public Instruction**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(ii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: August 13, 2009
- Description of waiver: Allows LEAs and schools in Wisconsin that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**40. Waiver Applicant: Wyoming Department of Education**

- Provisions waived: Sections 1116(c)(7)(A)(iii) and 1116(b)(3)(A)(iii) of the ESEA, and 34 CFR 200.52(a)(3)(iii) and 34 CFR 200.41(c)(5).
- Date waiver granted: September 16, 2009.
- Description of waiver: Allows LEAs and schools in Wyoming that are in improvement, corrective action, or restructuring status to exclude all or part of the Title I, Part A ARRA funds when calculating their obligation to spend at least 10 percent of fiscal year 2009 Title I, Part A funds for professional development.

**C. Allowing an LEA To Exclude Title I, Part A Funds Received Under ARRA When Calculating the Per-Pupil Amount for SES**

**1. Waiver Applicant: Alabama Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 14, 2009.
- Description of waiver: Allows LEAs in Alabama to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**2. Waiver Applicant: Alaska Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 13, 2009

- Description of waiver: Allows LEAs in Alaska to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**3. Waiver Applicant: Arizona Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 16, 2009.
- Description of waiver: Allows LEAs in Arizona to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES

**4. Waiver Applicant: Arkansas Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 23, 2009.
- Description of waiver: Allows LEAs in Arkansas to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**5. Waiver Applicant: California Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: December 11, 2009
- Description of waiver: Allows LEAs in California to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**6. Waiver Applicant: Colorado Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 11, 2009.
- Description of waiver: Allows LEAs in Colorado to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**7. Waiver Applicant: Connecticut Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 11, 2009.
- Description of waiver: Allows LEAs in Connecticut to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**8. Waiver Applicant: DC Office of the State Superintendent of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 15, 2009.
- Description of waiver: Allows the District of Columbia LEA to exclude all or part of its Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**9. Waiver Applicant: Florida Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs in Florida to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**10. Waiver Applicant: Georgia Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 13, 2009.
- Description of waiver: Allows LEAs in Georgia to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**11. Waiver Applicant: Idaho Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 15, 2009
- Description of waiver: Allows LEAs in Idaho to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES

**12. Waiver Applicant: Illinois State Board of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 16, 2009.
- Description of waiver: Allows LEAs in Illinois to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**13. Waiver Applicant: Indiana Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).

- Date waiver granted: September 23, 2009
- Description of waiver: Allows LEAs in Indiana to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**14. Waiver Applicant: Iowa Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1)
- Date waiver granted: August 31, 2009.
- Description of waiver: Allows LEAs in Iowa to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**15. Waiver Applicant: Kentucky Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 4, 2009
- Description of waiver: Allows LEAs in Kentucky to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**16. Waiver Applicant: Louisiana Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 27, 2009.
- Description of waiver: Allows LEAs in Louisiana to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**17. Waiver Applicant: Maine Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs in Maine to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**18. Waiver Applicant: Maryland Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: December 4, 2009.
- Description of waiver: Allows LEAs in Maryland to exclude all or part of

their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**19. Waiver Applicant: Massachusetts Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 24, 2009.
- Description of waiver: Allows LEAs in Massachusetts to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**20. Waiver Applicant: Michigan Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 23, 2009.
- Description of waiver: Allows LEAs in Michigan to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**21. Waiver Applicant: Missouri Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 7, 2009
- Description of waiver: Allows LEAs in Missouri to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES

**22. Waiver Applicant: Nebraska Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 26, 2009
- Description of waiver: Allows LEAs in Nebraska to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**23. Waiver Applicant: Nevada Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 8, 2009.
- Description of waiver: Allows LEAs in Nevada to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**24. Waiver Applicant: New Hampshire Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 23, 2009
- Description of waiver: Allows LEAs in New Hampshire to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES

**25. Waiver Applicant: New Jersey Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 2, 2009.
- Description of waiver: Allows LEAs in New Jersey to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**26. Waiver Applicant: New Mexico Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 31, 2009.
- Description of waiver: Allows LEAs in New Mexico to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES

**27. Waiver Applicant: North Carolina Department of Public Instruction**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 4, 2009.
- Description of waiver: Allows LEAs in North Carolina to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**28. Waiver Applicant: North Dakota Department of Public Instruction**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 2, 2009.
- Description of waiver: Allows LEAs in North Dakota to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

**29. Waiver Applicant: Ohio Department of Education**

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).

- Date waiver granted: August 14, 2009.
- Description of waiver: Allows LEAs in Ohio to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

30. Waiver Applicant: Oklahoma Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 15, 2009.
- Description of waiver: Allows LEAs in Oklahoma to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

31. Waiver Applicant: Oregon Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 23, 2009.
- Description of waiver: Allows LEAs in Oregon to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

32. Waiver Applicant: Pennsylvania Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 27, 2009.
- Description of waiver: Allows LEAs in Pennsylvania to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

33. Waiver Applicant: Rhode Island Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 24, 2009.
- Description of waiver: Allows LEAs in Rhode Island to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

34. Waiver Applicant: South Carolina Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 9, 2009.
- Description of waiver: Allows LEAs in South Carolina to exclude all or part

of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

35. Waiver Applicant: South Dakota Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 14, 2009.
- Description of waiver: Allows LEAs in South Dakota to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

36. Waiver Applicant: Tennessee Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 27, 2009.
- Description of waiver: Allows LEAs in Tennessee to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

37. Waiver Applicant: Virginia Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: October 8, 2009.
- Description of waiver: Allows LEAs in Virginia to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

38. Waiver Applicant: Washington Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 31, 2009.
- Description of waiver: Allows LEAs in Washington to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

39. Waiver Applicant: Wisconsin Department of Public Instruction

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: August 13, 2009.
- Description of waiver: Allows LEAs in Wisconsin to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

40. Waiver Applicant: Wyoming Department of Education

- Provisions waived: Section 1116(e)(6) of the ESEA and 34 CFR 200.48(c)(1).
- Date waiver granted: September 16, 2009.
- Description of waiver: Allows LEAs in Wyoming to exclude all or part of their Title I, Part A ARRA funds when calculating the per-pupil amount for SES.

*D. Authorizing an SEA To Waive the Carryover Limitation for an LEA That Needs an Additional Waiver Because of its Receipt of Title I, Part A ARRA Funds*

1. Waiver Applicant: Alabama Department of Education

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 14, 2009.
- Description of waiver: Authorizes Alabama to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

2. Waiver Applicant: Alaska Department of Education

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 13, 2009.
- Description of waiver: Authorizes Alaska to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

3. Waiver Applicant: Arizona Department of Education

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 16, 2009.
- Description of waiver: Authorizes Arizona to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

4. Waiver Applicant: Arkansas Department of Education

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: October 23, 2009.
- Description of waiver: Authorizes Arkansas to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**5. Waiver Applicant: California  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: October 23, 2009.
- Description of waiver: Authorizes California to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**6. Waiver Applicant: Connecticut  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 11, 2009.
- Description of waiver: Authorizes Connecticut to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**7. Waiver Applicant: DC Office of the  
State Superintendent of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: October 15, 2009.
- Description of waiver: Authorizes the District of Columbia to waive the carryover limitation more than once within three years for its LEA if it needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**8. Waiver Applicant: Florida  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 23, 2009.
- Description of waiver: Authorizes Florida to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**9. Waiver Applicant: Georgia  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 13, 2009.
- Description of waiver: Authorizes Georgia to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**10. Waiver Applicant: Idaho Department  
of Education**

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 15, 2009.
- Description of waiver: Authorizes Idaho to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**11. Waiver Applicant: Illinois State  
Board of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: October 23, 2009.
- Description of waiver: Authorizes Illinois to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**12. Waiver Applicant: Indiana  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: October 23, 2009.
- Description of waiver: Authorizes Indiana to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**13. Waiver Applicant: Iowa Department  
of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 31, 2009.
- Description of waiver: Authorizes Iowa to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**14. Waiver Applicant: Kentucky  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 4, 2009.
- Description of waiver: Authorizes Kentucky to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**15. Waiver Applicant: Louisiana  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 27, 2009.
- Description of waiver: Authorizes Louisiana to waive the carryover

limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**16. Waiver Applicant: Maine  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 23, 2009.
- Description of waiver: Authorizes Maine to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**17. Waiver Applicant: Maryland  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: November 20, 2009.
- Description of waiver: Authorizes Maryland to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**18. Waiver Applicant: Michigan  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: September 23, 2009.
- Description of waiver: Authorizes Michigan to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**19. Waiver Applicant: Missouri  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 7, 2009.
- Description of waiver: Authorizes Missouri to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**20. Waiver Applicant: Nebraska  
Department of Education**

- Provisions waived: Section 1127(a) of the ESEA.
- Date waiver granted: August 26, 2009.
- Description of waiver: Authorizes Nebraska to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.



21. Waiver Applicant: Nevada  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 8, 2009.

- Description of waiver: Authorizes Nevada to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

22. Waiver Applicant: New Hampshire  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: September 23, 2009.

- Description of waiver: Authorizes New Hampshire to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

23. Waiver Applicant: New Jersey  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 2, 2009.

- Description of waiver: Authorizes New Jersey to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

24. Waiver Applicant: New Mexico  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 31, 2009.

- Description of waiver: Authorizes New Mexico to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

25. Waiver Applicant: North Dakota  
Department of Public Instruction

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 2, 2009.

- Description of waiver: Authorizes North Dakota to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

26. Waiver Applicant: Ohio Department  
of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 14, 2009.

- Description of waiver: Authorizes Ohio to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

27. Waiver Applicant: Oklahoma  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 15, 2009.

- Description of waiver: Authorizes Oklahoma to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

28. Waiver Applicant: Rhode Island  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 24, 2009.

- Description of waiver: Authorizes Rhode Island to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

29. Waiver Applicant: South Carolina  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: September 9, 2009.

- Description of waiver: Authorizes South Carolina to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

30. Waiver Applicant: South Dakota  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 14, 2009.

- Description of waiver: Authorizes South Dakota to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

31. Waiver Applicant: Tennessee  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 27, 2009.

- Description of waiver: Authorizes Tennessee to waive the carryover

limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

32. Waiver Applicant: Virginia  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: October 8, 2009.

- Description of waiver: Authorizes Virginia to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

33. Waiver Applicant: Washington  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 31, 2009.

- Description of waiver: Authorizes Washington to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

34. Waiver Applicant: West Virginia  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 24, 2009.

- Description of waiver: Authorizes West Virginia to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

35. Waiver Applicant: Wisconsin  
Department of Public Instruction

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: August 13, 2009.

- Description of waiver: Authorizes Wisconsin to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

36. Waiver Applicant: Wyoming  
Department of Education

- Provisions waived: Section 1127(a) of the ESEA.

- Date waiver granted: September 16, 2009.

- Description of waiver: Authorizes Wyoming to waive the carryover limitation more than once within three years for an LEA that needs a second (or third) waiver because of its receipt of Title I, Part A ARRA funds.

**FOR FURTHER INFORMATION CONTACT:** Luz Curet, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W344, Washington, DC 20202. Telephone: (202) 205-3728 or by e-mail: [luz.curet@ed.gov](mailto:luz.curet@ed.gov).

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Dated: September 10, 2010.

**Thelma Meléndez de Santa Ana,**

*Assistant Secretary for Elementary and Secondary Education.*

[FR Doc. 2010-22966 Filed 9-15-10; 8:45 am]

BILLING CODE 4000-01-P

## APPENDIX B

Uninvited Waivers Granted in Calendar Year 2009, by State

State	Tydings Amend - All Programs	Type of Waiver							Transfer	Admin Cost	Types of Waivers Granted, by State
		Growth Model	Diff Acct	Sub Assess	Delayed Assess	Within-district	Carryover	10% Obligation			
Alabama	Yes	No	No	No	No	No	No	No	No	No	1
Alaska	Yes	No	No	No	No	No	No	No	No	No	1
Arizona	Yes	No	No	No	No	No	No	No	No	Yes	2
Arkansas	Yes	No	Yes	No	No	No	No	No	No	No	2
Bureau Of Indian Affairs	No	No	No	No	No	No	No	No	No	No	0
California	Yes	No	No	No	Yes	No	No	No	No	Yes	3
Colorado	Yes	Yes	No	No	No	No	No	No	No	No	2
Connecticut	No	No	No	No	No	No	No	No	No	No	0
Delaware	No	No	No	No	No	No	No	No	No	No	0
District Of Columbia	No	No	No	No	No	No	No	No	No	No	0
Florida	No	No	No	No	No	No	No	No	No	No	0
Georgia	Yes	No	No	No	No	No	No	No	No	No	1
Hawaii	No	No	No	No	No	No	No	No	No	No	0
Idaho	No	No	No	No	No	No	No	No	No	No	0
Illinois	Yes	No	No	No	No	No	No	No	No	No	2
Indiana	Yes	No	No	No	No	No	Yes	No	No	No	1
Iowa	No	No	No	No	No	No	No	No	No	No	0
Kansas	No	No	No	No	No	No	No	No	No	No	0
Kentucky	Yes	No	No	No	Yes	No	No	No	No	No	3
Louisiana	Yes	No	Yes	No	No	No	No	No	No	No	2
Maine	Yes	No	No	No	No	No	No	No	No	No	1
Maryland	No	No	No	Yes	No	No	No	No	No	No	1
Massachusetts	Yes	No	No	No	No	No	No	No	No	No	2
Michigan	No	No	No	No	No	No	Yes	No	No	No	1
Minnesota	No	Yes	No	No	No	No	No	No	No	No	1
Mississippi	Yes	No	No	No	No	No	No	No	No	No	0
Missouri	No	No	No	No	No	No	No	No	No	No	0
Montana	No	No	No	No	No	No	No	No	No	No	0
Nebraska	No	No	No	No	No	No	No	No	No	No	0
Nevada	No	No	No	No	No	No	No	No	No	No	0
New Hampshire	No	No	No	No	No	No	No	No	No	No	0
New Jersey	Yes	No	No	No	No	No	No	No	No	No	1
New Mexico	Yes	No	Yes	No	No	No	No	No	No	No	1
New York	Yes	No	No	No	No	No	No	No	Yes	No	3
North Carolina	Yes	No	No	No	No	No	No	No	No	No	1
North Dakota	Yes	No	No	No	No	No	No	No	No	No	1
Ohio	Yes	No	No	No	No	No	No	No	No	No	1
Oklahoma	No	No	No	No	No	No	No	No	No	Yes	1
Oregon	Yes	No	No	No	No	No	No	No	No	No	1
Pennsylvania	Yes	Yes	No	No	No	No	No	No	No	No	2
Puerto Rico	No	No	No	No	Yes	No	No	No	No	No	1
Rhode Island	Yes	No	No	No	No	No	No	No	No	No	1
South Carolina	Yes	No	No	No	Yes	No	No	No	No	No	2
South Dakota	Yes	No	No	No	No	No	No	No	No	No	1
Tennessee	Yes	Yes	No	No	No	No	No	No	No	No	0
Texas	Yes	No	No	No	No	No	No	No	No	No	2
Utah	No	No	No	No	No	No	No	No	No	No	0
Vermont	Yes	No	No	No	No	No	No	No	No	No	1
Virginia	No	No	No	No	No	No	No	No	No	No	0
Washington	Yes	No	No	No	No	No	No	No	No	No	1
West Virginia	Yes	No	No	No	No	No	No	No	No	No	2
Wisconsin	No	No	No	No	No	Yes	No	No	No	No	1
Wyoming	Yes	No	No	No	No	No	No	No	No	No	1
Number of States that Received Waivers, by Type	30	4	3	1	4	2	1	1	1	1	3



Invited Waivers Granted in Calendar Year 2009, by State

State	Type of Waivers						
	14-Day Notice	LEAs as SES Provider	LEAs Offer SES & Choice	20% Obligation under ARRA	10% Obligation under ARRA	Per-Pupil Amount under ARRA	Carryover under ARRA
Types of Waivers Granted, by State							
Alabama	Yes	No	Yes	Yes	Yes	Yes	Yes
Alaska	No	Yes	Yes	Yes	Yes	Yes	Yes
Arizona	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Arkansas	No	No	No	Yes	Yes	Yes	Yes
Bureau Of Indian Affairs	No	No	No	No	No	No	No
California	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Colorado	Yes	Yes	No	Yes	Yes	Yes	No
Connecticut	No	Yes	Yes	Yes	Yes	Yes	Yes
Delaware	No	No	No	No	No	No	No
District Of Columbia	No	No	Yes	Yes	Yes	Yes	Yes
Florida	No	Yes	No	Yes	Yes	Yes	Yes
Georgia	No	Yes	No	Yes	Yes	Yes	Yes
Hawaii	No	No	No	Yes	Yes	Yes	Yes
Idaho	Yes	Yes	Yes	Yes	Yes	No	No
Illinois	Yes	Yes	No	Yes	Yes	Yes	Yes
Indiana	No	Yes	No	Yes	Yes	Yes	Yes
Iowa	No	No	Yes	Yes	Yes	Yes	Yes
Kansas	No	No	No	No	No	No	No
Kentucky	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Louisiana	Yes	No	No	Yes	Yes	Yes	Yes
Maine	Yes	No	No	Yes	Yes	Yes	Yes
Maryland	No	No	Yes	Yes	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes	Yes	Yes	Yes	No
Michigan	No	Yes	Yes	Yes	Yes	Yes	Yes
Minnesota	No	No	No	No	No	No	No
Mississippi	No	No	No	No	No	No	No
Missouri	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Montana	No	No	No	No	No	No	No
Nebraska	No	Yes	Yes	Yes	Yes	Yes	Yes
Nevada	No	No	Yes	Yes	Yes	Yes	Yes
New Hampshire	No	No	Yes	Yes	Yes	Yes	Yes
New Jersey	Yes	No	Yes	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	Yes	Yes	Yes	Yes
New York	No	No	No	Yes	Yes	No	No
North Carolina	No	Yes	Yes	Yes	Yes	Yes	No
North Dakota	No	No	No	Yes	Yes	Yes	Yes
Ohio	No	Yes	Yes	Yes	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Oregon	No	Yes	Yes	Yes	Yes	Yes	No
Pennsylvania	Yes	Yes	No	Yes	Yes	Yes	No
Puerto Rico	Yes	No	No	Yes	Yes	No	No
Rhode Island	No	Yes	Yes	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Dakota	No	Yes	No	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Texas	No	No	No	No	No	No	No
Utah	Yes	No	Yes	No	No	No	No
Vermont	No	No	No	No	No	No	No
Virginia	Yes	No	Yes	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	Yes	No	Yes	Yes	No	No	Yes
Wisconsin	No	Yes	Yes	Yes	Yes	Yes	Yes
Wyoming	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Number of States that Received Waivers, by Type	23	28	31	42	40	40	36